

Tampa, FL

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

EXCEL REHABILITATION AND HEALTH
CENTER, LLC, EXCEL
REHABILITATION AND NURSING
CENTER; HGOP, LLC d/b/a CAMBRIDGE
QUALITY CARE; and HORIZON
STAFFING, LLC

and

SERVICE EMPLOYEES
INTERNATIONAL UNION, FLORIDA
HEALTHCARE UNION

Cases 12-CA-25117
12-CA-25596

TAMPA SNF, LLC, d/b/a EXCEL
REHABILITATION AND NURSING
CENTER

and

SERVICE EMPLOYEES
INTERNATIONAL UNION, FLORIDA
HEALTHCARE UNION

ORDER

On May 13, 2009, Administrative Law Judge Michael A. Marcionese of the National Labor Relations Board issued his Decision in the above-entitled proceeding and, on the same date, the proceeding was transferred to and continued before the Board in Washington, D.C. The Administrative Law Judge found that the Respondent has engaged in certain unfair labor practices, and recommended that it take specific action to remedy such unfair labor practices.

No statement of exceptions having been filed with the Board, and the time allowed for such filing having expired,¹

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, and Section 102.48 of the National Labor Relations Board Rules and Regulations, the Board adopts the findings and conclusions of the Administrative Law Judge as contained in his Decision, and orders that the Respondents, Tampa SNF LLC, d/b/a Excel Rehabilitation and Nursing Center, Tampa, Florida, Excel Rehabilitation and Health Center, LLC, d/b/a Excel Rehabilitation and Nursing Center, Tampa, Florida, HGOP, LLC d/b/a Cambridge Quality Care, Brooklyn, New York, and Horizon Staffing, LLC, Miami Beach, Florida, their officers, agents, successors, and assigns, shall take the action set forth in the recommended Order of the Administrative Law Judge.

Dated, Washington, D.C., July 15, 2011.

By direction of the Board:

Gary Shinnors
Deputy Executive Secretary

¹ By Order dated June 24, 2009, as corrected on July 14, 2009, the Board adopted, in the absence of exceptions, the findings and conclusions of the judge as contained in his Decision, and ordered that the Respondents take those actions set forth in his recommended Order. Counsel for the Acting General Counsel has filed a motion which states that a controversy has arisen regarding the Respondents' continued compliance with the Board's Order and that enforcement proceedings appear warranted. The motion requests, in light of *New Process Steel, L.P. v. NLRB*, 130 S.Ct. 2635 (2010), and because the Board's Order issued at a time when the Board consisted of two members, that the Board again affirm the judge's decision. The motion, which is unopposed, is granted.